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NO. 89-

IN THE SUPREME COURT

OF THE

UNITED STATES

OCTOBER 1989 TERM

RODNEY F. STICH

Petitioner

United States District Court
Eastern District California
Judge Milton Schwartz
Respondents.

Real Party In Interest
Judge William Jensen
Emma Stich

On Writ of Certiorari to the United States
Court of Appeals for the Ninth Circuit

Petitioner's Jurisdictional Brief

Rodney F. Stich
P.O. Box 5
Alamo, Calif. 94507
Phone: 415-820-7250
Petitioner in pro se

5 pp

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QUESTIONS PRESENTED FOR REVIEW

1. Did the federal courts suspend due process and equal protection rights, among others, when it dismissed the petition for removal, despite the grotesque civil and constitutional violations and violations of federally protected rights?

2. Did the federal courts suspend due process by refusing to intervene when the violations inflicted terminal destruction of constitutionally protected personal and property rights, and by protecting those committing the constitutional outrages?

3. Did the federal courts abuse their responsibilities by refusing to issue an injunction halting the rendering of destructive orders by state judges after federal courts had statutory jurisdiction over the cause of action?

4. Does a state judge have jurisdiction to render orders causing terminal destruction of personal and property rights when the state action is removed to federal court, and is before the U.S. Court of Appeals?

TABLE OF CONTENTS

Questions Presented i

Table of Contents ii

Opinions Below 1

Jurisdictional Statement 1

Constitutional and Statutory Provisions . . 2

Federal Questions Are Substantial 3

Statement Of the Case 4

Argument 5

I. Petitioner Was Wrongfully Denied the Rights and Protections Of Removal 16

II. The District Court's Reasons For Dismissing and Remanding To State Court Were Contradicted By the Facts and the Law 17

III. The Petition For Removal Stated Major Civil, Constitutional, and RICO Violations 18

IV. Petitioner's Appeal Of the Order Of Dismissal Halted the Remand To State Court, and Deprived the State Judges Of Jurisdiction To Render the Orders That Devastatingly Destroyed Valuable Personal and Property Rights 20

V. The Court of Appeals Continued the Misstatements Of Facts and Law 21

Summary 26

TABLE OF AUTHORITIES

CASE LAW — PAGE

FEDERAL STATUTES

28 United States Code Section 1343 (c) . . 1

28 United States Code Section 1441 . . . 16

28 United States Code Section 1443 . . . 16

28 United States Code Section 1446 . . 2,16

28 United States Code Section 1447(a)(2) 2

28 United States Code Section 1651(a) . . 1

28 United States Code Section 1738 7

42 United States Code Section 1983 1

42 United States Code Section 1985 1

Federal Rule of Civil Procedure 17 1

Federal Rule of Civil Procedure 18 1

FEDERAL CASES

Dennis v. Sparks
(1980) 449 U.S. 24 20

Donovan v. Mesola
761 F.2d 1411 (9th Cir. 1985) 21

Gardner v. Toilet Goods Assn.
(1967) 387 U.S. 167 20

Matter of Thorp
655 F.2d 997 (9th Cir. 1981) 1

Stich v. Department of Justice
No. 86-2523 (D.C.C. March 27, 1987;

CA No. 87-5262) 13

Stich v. Federal Aviation Administration,
554 F.2d 1070 (9th Cir 1975) 13

Stich v. National Transportation Safety Board
685 F.2d 446 (9th. Cir.) 13

APPENDIX

App. A: District Court dismissal and remand order.
App. B: Notice of Appeal.
App. B: State judgment rendered while
jurisdiction was vested in federal courts.

OPINIONS BELOW

Petitioner filed a petition for removal with the U.S. District Court on June 17, 1986. The United States District Court rendered an order dismissing the petition and remanding to the state court on June 30, 1986. (Appendix "A.") Petitioner filed a timely notice of appeal on July 3, 1986. (App. "B") Petitioner filed his appeal brief on August 22, 1988. The Court of Appeals affirmed the dismissal and remand to state court on August 24, 1989 (App. "C"), refusing to address the orders rendered by the state court during the period when the state judges lacked jurisdiction.

JURISDICTIONAL STATEMENT

This petition for writ of certiorari is filed pursuant to (a) Rules 17.1(a)(c) and 18, of the Rules of the Supreme Court of the United States, to review the order of the Court of Appeals; (b) under the supervisory responsibilities of the U.S. Supreme Court, as articulated in part by Supreme Court Rule 17; (c) Title 28 U.S.C. § 1651(a)(writs in aid of respective jurisdiction); (d) Title 28 U.S.C. § 1343 and Title 42 U.S.C. §§ 1983, 1985, 1986 (responsibility to prevent or aid in the

prevention of conspiratorial pattern of civil and constitutional violations); (e) criminal statutory requirement to intervene on the basis of the criminal, RICO, acts associated with the violations, to silence petitioner's exposure of the air disaster and superimposed government and judicial corruption.

Constitutional and Statutory Provisions Involved

The Constitutional and statutory provisions that are a part of petitioner's complaint in the district court include (a) Fifth Amendment due process, equal protection, property rights, and privileges and immunities clause; (b) Title 28 U.S.C. §§ 1446, 1447(a)(2)(right to removal when rights and protections cannot be obtained in state courts); (c) Fourteenth Amendment equal protection, due process, rights to property, privacy, liberties, freedom, quality of life; (d) Privileges and immunities clause, Art. IV, § 2.

FEDERAL QUESTIONS ARE SUBSTANTIAL

1. National issues are involved. These include the pattern of judicial suspension of the laws and constitution of the United States, by Ninth Circuit judges, in a scheme to silence petitioner's reporting of the air dis-

aster corruption, and superimposed Justice Department and judicial misconduct. This conspiracy within the federal courts constitutes one of the most serious threats to our form of government.

2. Prior deaths of persons in air tragedies in which the direct causes of the crashes were caused and permitted to occur by the nature of the corruption. These parties are unaware they have a claim against the government of the United States, on the basis of the widespread corruption in the FAA, the Department of Justice, the federal courts.

3. Preventing the deaths that have yet to occur, and will occur, if the present massive corruption is not exposed and corrected. The relatives of those yet to perish will have a cause of action against the federal government if this Court, and other parties, continue to block the exposure and corrective actions.

4. Infliction of unconstitutional outrages upon petitioner, that shocks the conscience, and makes this Court a co-conspirator to the outrages, and invokes liability of the federal government for damages.

Statement of the Case

Petitioner filed a petition for removal within 30 days of an order rendered by California judges, which was rendered without jurisdiction,[1] rendered in violation of the laws and constitution of the United States, and of the State of California. The order to imprison petitioner arose in a sham California cause of action that had been held unconstitutional by the U.S. Supreme Court for the past half century.

Petitioner for removal was based upon petitioner's inability to obtain the rights and protections of California and federal laws and constitution in the state courts of California. For the prior four years before filing the petition for removal, repeated violations of dozens of clear and settled laws and constitutional provisions occurred, with the California Court of Appeals and California Supreme Court aiding and abetting the grotesque constitutional outrages.

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[1] Absence of jurisdiction arose from removal to federal courts; arose from absence of personal and subject matter jurisdiction under the California Family Law Act to attack two decades of personal and property rights acquired as a divorced person, and established in multiple divorce judgments.

The California cause of action was part of a government conspiracy to silence petitioner's exposure of the air disaster and superimposed government and judicial scandal. The cause of action was filed against petitioner, so as to serve as a base from which unlawful and unconstitutional orders could be rendered, seizing petitioner's liberties, his privacy, his freedom, and his assets. In this manner, the powerful government corruption sought to protect the government and non-government scandal; protect those fronting in the sham ...ia action; bar petitioner from defending him...nst the conspiracy; and insure the success of ...cially-engineered scheme.

... the crude judicial scheme, the sham California ... of action was given a divorce label, even though the parties had been divorced for the past two de... had declared themselves divorced, had not seen ... in years, and were recognized as divorced in ... divorce judgments.[2]

...itial 1966 divorce judgment following a bilater... divorce proceeding, rendered by jurisdiction ...ence for five months, State of Chihuahua, Mexi... 189723, authenticated by U.S. Counsel; Registration and confirmation of the 1966 divorce judgment

The "divorce" action admitted the existence of a prior divorce judgment, and argued that the 1966 court lacked jurisdiction to render that judgment--and the thousands of others--on the fraudulent argument that residence is not a recognized basis for exercising jurisdiction. The cause of action argued, and it was held, that the 1966 court lacked personal jurisdiction in the tens of thousands of divorce judgments granted (and presumably the millions of others rendered throughout the United States) were void in the eyes of California judges, since the courts did not require the subjective mental thought process of domicile.

Simultaneously, California judges routinely rendered divorce judgments based on residence, as pro-

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in the Superior Court, Contra Costa County, action number 251773, under C.C.P. § 1699(b) and C.C. § 5164; registration of the Contra Costa divorce judgment confirmation in the Superior Court, Solano County, State of California, action 91929; judicial entry of the Contra Costa county confirmed judgment into the Nevada courts, Second Judicial District of Nevada, County of Washoe, case number 85-5391 and into foreign judgment registry, number 31; registration of the 1966 divorce judgment in the District Court of Oklahoma County, Oklahoma City, Oklahoma, Case number FD-86-5870; registration of the Contra Costa confirmed judgment in the Civil Courts of Dallas County, Dallas, Texas, in Volume Two, Page 78, Foreign Judgment Register.

vided by California law,[3] and which do not require domicile.

California law[4] deprived the California judges of personal and subject matter jurisdiction under the Family Law Act when there is any prior divorce judgment. California statutory law,[5] California Supreme Court decisions,[6] federal statutory law,[7] federal decisional law,[8] and constitutional protections,[9] prohibited the attacks upon petitioner's personal and property rights.

The cause of action held that petitioner's twenty

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[3] C.C.P. §§ 410.10, 418.10, 1713.5; C.C. §§ 4530(a)(b), 4531, 5162; Rules of Court 1230, 1232.

[4] California Rules of Court 1201(c), 1211, 1212, 1215, 1222, 1229, 1230(a)(2), 1281, 1282.

[5] Code of Civil Procedure §§ 383, 343, 1699, 1713.3, 1713.5, 1908, 1913, 1915; Civil Code §§ 880.020, 880.025, 880.250, 4554, 5004, 5164, 5172; Evidence Code §§ 666, 665; and others.

[6] Rediker v. Rediker (1950) 35 Cal.2d 796; Scott v. Scott (1958) 51 C.2d 249; Spellens v. Spellens (1957) 498 C.2d 210; Whealton v. Whealton (1967) 67 C.2d 656.

[7] Title 28 U.S.C. § 1738.

[8] Coe v. Coe (1948) 334 U.S. 378; Sherrer v. Sherrer (1948) 334 U.S. 343; Vanderbilt v. Vanderbilt (1947) 354 U.S. 416; Perrin v. Perrin, 408 F.2d 107 (3rd Cir. 1969).

[9] Full Faith and Credit Clause, Article IV, Section 1; due process and equal protection of the law; right to unabridged interstate travel.

years of personal and property rights were suddenly void, solely on the preposterous cause of action that violated decisions of the U.S. Supreme Court for the past half century, violated fundamental constitutional rights, violated federal statutory law relating to Full Faith and Credit, violated dozens of California laws. Rights acquired during residence in other jurisdictions for the past two decades were suddenly seized, using a fraudulent argument, to accomplish the judicial scheme of destroying the air safety activist seeking to expose one of the nation's most brutal scandals.

The legally bankrupt argument destroyed eight years of petitioner's constitutionally protected rights, on such arguments as petitioner did not purchase properties during his five months' residence in the 1966 divorce court forum and other equally preposterous holdings that only the corrupt judiciary can fabricate.

The holdings established that in the fiefdom of the California judiciary, any party exercising their constitutional right to change residence, and entering California, can be stripped of constitutionally guaranteed rights acquired during the past two decades, upon

the whim--and scheming--of California judges, using preposterous and obviously feigned arguments that court jurisdiction cannot be exercised upon residence; that any party who does not take allegiance to live forever in a particular jurisdiction, cannot obtain a divorce or adjudication of personal and property rights; and is forever barred from obtaining a divorce.

The California courts erected a solid judicial gridlock protecting this bizarre scheme, violating fundamental constitutional rights;[10] federal statutory and case law;[11] California law.[12]

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[10] Adjudicated and legally acquired personal and property rights, protected by the laws and constitution of the United States and of the State of California, they violated plaintiff's Fourteenth Amendment due process, equal protection, property, liberty, freedom rights; Privileges and Immunity Clause rights under Article IV, § 1, and under the 14th Amendment (depriving right to obtain divorce on universally recognized residence basis, and right to change residence); right to unabridged interstate travel, without losing rights and privileges acquired in prior jurisdictions of residence; Article IV, § 1 (Full Faith and Credit Clause, and Title 28 U.S.C. § 1738, requiring recognition of the personal and property rights in the California divorce judgment, its entry for recognition as local judgments in the courts of Nevada, Oklahoma, and Texas.

[11] Vanderbilt v. Vanderbilt (1957) 354 U.S. 416 (requiring the recognition of ex parte divorce judgments; Estin v. Estin 334 U.S. 541 (1948)(requiring the recognition of prior divorce judgments); Sherrer v. She-

On this basis, orders were rendered without jurisdiction, and violating large segments of rights and protections in state and federal laws and constitution, stripping petitioner of all relevant substantive and procedural due process; of his assets, his home, his business, his income.

When petitioner exercised his federal rights under the laws and constitution of the United States, filing federal actions, federal judges engaged in a total suspension of all due process, engaging in multiple

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rrer (1948) 334 U.S. 343; Coe v. Coe (1948) 334 U.S. 378 (requiring the recognition of prior divorce judgments); Perrin v. Perrin, 408 F.2d 107 (3rd Cir. 1969) (prohibiting denying recognition to prior judgments when exercised on one day's residence); Title 28 U.S.C. § 1738 (Full Faith and Credit, requiring recognition of the California, Nevada, Oklahoma, and Texas divorce judgments.)

[12] Mandatory divorce judgment recognition statutes (Civil Code §§ 4554, 5004, 5164; Code of Civil Procedure §§ 1699(b), 1713.3, 1908, 1913, 1915 (effective when the 1966 judgment was rendered and for nine years thereafter); Evidence Code §§ 666, 665, 622; (statute of limitations, Civil Code §§ 880.020, 880.250; Code of Civil Procedure §§ 318, 338, 343; Statute of limitations: Code of Civil Procedure 318, 338, 343; Civil Code §§ 880.020, 880.250; mandatory requirement to recognize that the prior court acted in the lawful exercise of its jurisdiction when the judgment is under attack two decades after its exercise of jurisdiction, and the acceptance of the benefits by both parties: Evidence Code §§ 666, 665, 622.

series of outright lies as to facts and law, so as to protect the air disaster, government, and judicial scandal, protect the judicial scheme that backfired in the California sham action, protect the conspirators in that scheme, and bar petitioner from exercising the federal remedies to defend against the litany of constitutional outrages.

The federal judges engaged in stonewalling, dismissing every attempt to protect himself, using the gutter-tactics of (a) placing frivolous labels on law suits seeking relief, reversing the Supreme Court's definition of the term, and applying it to petitioner's exercise of constitutionally guaranteed rights that were specifically provided by federal law; (b) making wrongful sua sponte dismissals of federal causes of action; (c) rendering unlawful injunctive orders barring petitioner access to the courts and suspending all federal due process rights provided by statutory law; (d) punishing petitioner for exercising constitutionally guaranteed rights, ordering petitioner to pay over $150,000 financial sanctions to those committing the brazen violations; (e) wrongfully and without authority unfiling federal actions to bar

petitioner from seeking relief for himself, or for those who were to perish in subsequent air tragedies related to the multi-faceted conspiracy; (f) removing all traces of the filing of such actions, to sequester the national scandal and remove all traces of the judicial scheme from prying eyes; (g) and much more of the same outrages. The judicial involvement in the scandal was clear.

Petitioner repeatedly sought relief from this U.S. Supreme Court. Each time this relief was sought, the Court denied relief, and de facto protected the outrageous, barbarous, constitutional violations. In an earlier segment of the multi-faceted government and judicial scandal, petitioner sought relief for those who would continue to die in air tragedies caused and made possible by the air disaster and government corruption.[13] Every attempt to protect the persons who would

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[13] *Stich v. United States, et al.*, 554 F.2d 1070 (9th Cir.) (table), *cert. denied*, 434 U.S. 920 (1977)(addressed hard-core air safety misconduct, violations of federal air safety laws, threats against government inspectors not to report safety violations and misconduct); *Stich v. National Transportation Safety Board*, 685 F.2d 446 (9th Cir.)(table), *cert. denied*, 459 U.S. 861 (1982))(addressed repeated criminal falsification of official airline accident reports, omitting highly sensi-

eventually perish from the scandal similar to HUD, FDA, savings and loan, and other government corruption, was blocked by federal judges, including this Supreme Court. As a result, our form of government is being undermined, the laws and constitution have become a mockery, and several thousand persons perished in air tragedies within the United States and in foreign countries, from the effects of the multi-faceted corruption.

This Supreme Court already knows of the outrageous constitutional and civil violations committed in the California action, and the federal judicial suspension of all constitutional due process.

The immediate issues brought before this court relates to the petition for removal to federal court. Its

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tive air safety misconduct, making possible repeated crashes from the same sequestered problems); Amicus curiae brief filed on July 17, 1975, in the Paris DC-10 multi-district litigation, *Flanagan v. McDonnell Douglas Corporation and United States of America*, Civil Action 74-808-PH, MDL 172, Central District California.)(addressing the long standing FAA misconduct, of which the coverup of the DC-10 cargo door problem was one of repeated instances of tragedy related misconduct); U.S. v. Department of Justice, District of Columbia, Nos. 86-2523, 87-2214, and other actions filed by claimant seeking to expose and correct the powerful and covert air disaster misconduct.

improper *sua sponte* dismissal by a district judge clearly implicated in the corruption; the continued infliction of great and irreparable harm upon petitioner by federally-protected state judges acting without jurisdiction and in violation of great numbers of state and federal substantive and procedural due process laws; the refusal of the Court of Appeals to issue an injunction halting these wrongful orders; and the affirming of the dismissal and remand, and tacit approval of the outrages by the Court of Appeals; requires this Court to address the judicial anarchy in the Ninth Circuit.

Judge Schwartz's dismissal order (App. "A") continued the pattern of judicial deception and due process outrages. He upheld the massive numbers of civil and constitutional violations. He deliberately misstated the nature of the California cause of action, representing the California action as a dissolution of marriage action, and approved the massive violations of federally protected rights.

Petitioner filed a notice of appeal of the order of dismissal and remand to the state court. Simultaneously, the California state judges continued to render or-

ders without jurisdiction and in continued violation of state and federal law. The Ninth Circuit Court of Appeals aided and abetted these wrongful acts, refusing to render an injunctive order, making possible the infliction of outrageous harms upon petitioner, and obstructing petitioner's exposure of the criminal acts continuing to result in brutal air tragedies.

Included in the orders rendered during this period of non-jurisdiction arising from the removal (as well as lack of jurisdiction on other bases), was the order rendered July 28, 1988 (App. "D"). These violations of constitutional rights were augmented by state judges ordered petitioner into default while petitioner was recovering from open-heart surgery. Then, while in default, state judges rendered the sham order fraudulently claiming that (a) the cause of action was a dissolution of marriage action; (b) that the cause of action terminated an existing marriage; (c) that properties that had been acquired years after the 1964 separation and after the 1966 divorce were actually community properties; (d) that petitioner must pay $2500 monthly spousal support, when five divorce judgments show no

spousal support obligations.

The Ninth Circuit Court of Appeals repeated their prior stonewalling that commenced in 1974 with petitioner's attempts to expose the FAA, NTSB, Department of Justice, corruption in the air disaster environment.

ARGUMENT

I. Petitioner Was Wrongfully Denied the Rights and Protections Of Removal.

Removal of state court proceedings is provided by Title 28 U.S.C. §§ 1441, 1443, and 1446. The history of civil and constitutional violations, the procedural and substantive due process gridlock, by California judges. They repeatedly barred and violated the rights and protections in state and federal law, making a petition for removal necessary.

II. The District Court's Reasons For Dismissing and Remanding To State Court Were Contradicted By the Facts and the Law

Judge Schwartz's dismissal held that the merits of the removal petition failed (p.4) on the basis that the California action was a dissolution of marriage action. Petitioner provided evidence of multiple divorce judgments showing petitioner to be an unmarried person for

the past two decades; that the cause of action itself constituted major violations of civil and constitutional rights.

Judge Schwartz implied that placing a divorce label on a cause of action automatically suspended all federal rights and protections.

Judge Schwartz's held that petitioner had not "supplied the court with a copy of "all process, pleadings and orders served upon him" in the state court action." Petitioner furnished every paper received as a result of the May 9, 1986 bench warrant for appellant's arrest. Petitioner did not submit the thousands of pages of pleadings accompanying the ancillary matters.

Judge Schwartz knew that petitioner was n pro se status, caused by the seizure of his assets by the unconstitutional outrages. Pro se litigants, especially those sustaining the litany of outrages inflicted upon petitioner, have the right to additional protections.[14] In

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[14] Noll v. Carlson, 809 F.2d 1448 (9th Cir. 1987)(A pro se litigant must be given leave to amend his or her complaint unless it is "absolutely clear that the deficiencies of the complaint could not be cured by amendment." Broughton v. Cutter Laboratories, 622 F.2d 458, 460 (9th Cir. 1980).)(requirement that courts provide a pro se litigant with notice of the deficiencies ... state-

addition, the sua sponte dismissal deprived petitioner of the right to be heard,[15] and meaningful protection of the law, rather than a judicial conspiracy on the level of street thugs.

Judge Schwartz held that he could not satisfy himself that the requirements for removal under 28 U.S.C. § 1443, the civil rights removal statute, were et, but did not specify what was absent, nor the right to present other papers. Simultaneously, the responsibilities to prevent grotesque constitutional violations was violated, as if he was above the law.

III. The Petition For Removal Stated Major Civil, Constitutional, and RICO Violations

Petitioner's petition alleged specific, multiple, violations of the Civil Rights Act. It stated a pattern of violations by the state judge, acting under color of state law, causing great and irreparable harm, acting without personal jurisdiction; without subject matter jurisdiction; and in violation of multiple state statutes,

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ment of deficiencies ... district courts need draft only a few sentences explaining the deficiencies ...)

[15] *Wong v. Bell*, 642 F.2d 359 (9th Cir. 1981); *Pavilonis v. King*, 626 F.2d 1075 (1st Cir. 1980).

federal decisional and statutory law; and constitutional protections. The California courts repeatedly upheld the repeated civil and constitutional violations. Petitioner was unable to obtain the rights and protections of state and federal laws and constitution in the California courts.

Federal law requires recognizing the facts stated in the complaint as true, and prohibits dismissal if federal causes of action are stated.[16]

All attempts to obtain federal relief were obstructed by the federal courts, by dismissing the actions stating federal causes of action. This due process gridlock commenced with petitioner's first attempt to expose the tragedy-riddled air disaster scandal, and continued throughout petitioner's attempts to defend himself against the judicial attacks via the sham California action. The evidence shows the conspiracy between California and federal judges, solely to silence the one person who *de facto* tried to prevent the

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[16] *Gardener v. Toilet Goods Assn.*, 387 U.S. 167, 172 (1967)(prohibiting dismissal if federal causes of action are stated, and allegations must be accepted as true in opposing dismissal); *Dennis v. Sparks* 449 U.S. 24 (1980).

slaughter resulting from air safety corruption.

IV. Petitioner's Appeal Of the Order Of Dismissal Halted the Remand To State Court, and Deprived the State Judges Of Jurisdiction To Render the Orders That Devastatingly Destroyed Valuable Personal and Property Rights

Title 28 U.S.C. § 1447(d) provides that an order remanding the case to the state court can be appealed if it arises from a section 1443 civil right violation. Filing notice of appeal stays the remand to the state court. Petitioner filed a timely appeal, depriving the state judges of jurisdiction. The nature of the scandal required that every single right and protection in substantive and procedural due process be denied to petitioner.

Petitioner requested an injunction from the Ninth Circuit Court of Appeals halting the destructive effects of the state orders rendered without jurisdiction. Without opposition briefs filed, the Ninth Circuit denied the relief of an injunction, and openly protected the state judges acting without jurisdiction and prostituting large segments of federal laws and constitution.

In the Ninth Circuit the appeal of an order stays

all state court jurisdiction relevant to that order.[17] The order of remand to the state court was therefore stayed, until a final appellate court ruling is rendered.

Petitioner requests in this petition that the state orders be vacated.

V. The Court of Appeals Continued the Misstatements Of Facts and Law

In the Court of Appeals decision (App. "C"), which petitioner was never sent, the same judicial chicanery is repeated. The decision refers to the California cause of action as a "California state domestic relations-based action" [p.1]. The divorce label was fabricated with the scheme to silence petitioner. The Court of Appeals knows the cause of action is not a divorce action. It doesn't meet the California criteria for a divorce action.[18] The clear and settled California law

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[17] Donovan v. Mesola, 761 F.2d 1411 (9th Cir. 1985); Matter of Thorp, 655 F.2d 997 (1981).

[18] Rules of Court 1201(c)(defines jurisdiction under Family Law Act, and limits jurisdiction to termination of an existing marriage, legal separation from an existing marriage, nullity of prior marriage); 1211 (limits parties to existing wife and husband); 1212 (limits cause of action to those stated in the Rule 1281 petition form and 1282 response form, which do not include attacks on prior judgments); 1215 (limits causes of action to those stated on the Rule 1281 petition for dissolution of marriage form); 1222 (limiting jurisdiction

deprives the California judges of jurisdiction under the Family Law Act when there is a prior divorce judgment; in this case there are 5 prior judgments! The issues raised are federal. Whether a state judge can strip a person of personal and property rights after exercising constitutional rights to travel, using a cause of action that had been held unconstitutional for the past 50 days, and violates dozens of state and federal statutes.

The court of appeals judges refer to *Csibi*, [p.2] and then fraudulent state the "state action primarily involves state domestic relations matters, it is not removable to federal court." Again, the attack upon 20 years of personal and property rights adjudicated and

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to altering marital status as provided on form 1281); 1229(a), which prohibits inserting any matter in the 1281 petition for dissolution of marriage form or the 1282 response form that is not printed on the face of the form, and which contains no provisions for attacking prior judgments); 1230(a)(2) (which deprives court of jurisdiction if there is a prior judgment); 1281 (petition for dissolution of marriage form, limiting causes of action to those stated on the form--which does not include attacks upon prior judgments); 1282 (response form, limiting response to the statements on the form, which provides no provision to answer cause of action attacking prior judgments).

acquired under the rights and protections of the constitution, federal, and state law, cannot be suspended by placing a fraudulent divorce label on a cause of action that doesn't meet the criteria.

The Court of Appeals decision states [p.2] that Stich, a citizen forced into pro se status when the combination California and federal judiciary seized his assets, did not submit all pleadings and orders. How does the court know? The defendants never filed any briefs, relying upon their co-conspsirators in the federal courts to protect them!

The three judges in the Court of Appeals then state that 1441 removal does not apply when removal is based solely on a federal defense reply. [p.2] But 1441 clearly states that removal is proper when a "person ... is denied or cannot enforce in the courts of such State a right under the laws providing for the equal civil rights of citizensw of the United States, or of all persons within the jurisdiction thereof."

The right appearing on the record is whether petitioner can rely upon residence to exercise personal jurisdiction in another jurisdiction to obtain a divorce;

if personal and property rights adjudicated in various jurisdictions, and acquired under the laws and constitution of the United States, can be voided on the illegal and unconstitutional refusal to recognize residence as a basis to invoke court jurisdiction; whether petitioner can be the only one out of millions of citizens to de deprived this right (who "coincidentally" is exposing the graft and corruption behind a series of air disasters, and the coverup by the Justice Department and the federal courts!

Bright legal boys dreamed up this legal-abortion scheme, placing a divorce label upon a cause of action where there is no marriage; where five divorce judgments show there is no marriage; where both parties declare in their respective states of residence there is no marriage; and under state and federal law there is no marriage.

The Ninth Circuit judiciary is lying through their teeth, to protect the bright legal lads that dreamed up this scheme, and in the process making possible the deaths of many persons who could have been saved if petitioner's attempts to expose the hard-core corrup-

tion within the FAA and the NTSB, had not been blocked by the judicial chicanery.

In the process, tons of dismembered human beings pay the price to protect these thugs in the federal judiciary that should be impeached, charged with the crimes they are committing, and removed from the bench. Possible if the U.S. Supreme Court finally exercised its responsibilities, a halt to these outrages, and the repeated deaths of unsuspecting Americans and foreign citizens, can be reduced.

VI. The Real Story Behind the Judicial Stonewalling and Constitutional Outrages Inflicted Upon Petitioner

Petitioner uncovered deeply entrenched graft and corruption within the two government air safety agencies[19] which played a significant causative and permissive role in a series of fatal airline crashes. The death toll in air tragedies, in which the direct causes of the crashes were caused, or permitted to occur by the nature of the corruption, is in the thousands. This fatality figure will continue to climb, as federal judges ag-

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[19] Federal Aviation Administration and National Transportation Safety Board.

gressively protect the air disaster scandal.

For reasons that can only be speculated,[20] the Justice Department covered up for the air safety corruption and the felons, permitting additional crashes to occur. Federal judges thereafter sought to protect their legal partners in the Justice Department and the air safety corruption, after petitioner exercised the rights under Title 28 U.S.C. § 1361.[21]

Among those who perished from this coverup are the 346 persons brutally killed in the Paris DC-10 crash, and many crashes thereafter, and many crashes prior to that holocaust. This Supreme Court knows, that many others will perish from this stonewalling. Petitioner's arguments are that the federal government is financially responsible to those who have yet to die, as

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[20] At best, the Justice Department sought to prevent the public from discovering criminal fraud, graft, and corruption, within the two government air safety agencies, that played a causative and permissive role in several major airline crashes. At worst, the Justice Department had played a role in protecting misconduct by United Airlines and the conspiracy with top management of the FAA, and related political contributions.

[21] Stich v. Federal Aviation Administration, N.D. Cal, action Nr. 74982RHS; CA Nr. 75-2300; Stich v. National Transportation Safety Board, N.D. Cal, action Nr. 80-4526 SAW; CA Nr. 82-8272.

well as those who have died, from the air safety corruption, from the Justice Department conspiracy, and made possible by the federal judicial corruption.

Every attempt by petitioner to secure judicial relief from the constitutional outrages, inflicting unconscionable harms upon petitioner, were corruptly blocked by the same federal courts that obstructed petitioner's attempts to expose the air disaster and air safety scandal. Petitioner has since discovered evidence showing the probable participation of the federal courts in this scandal. The participation is either to protect the justice department in the scheme to silence appellant, after petitioner discovered that the California action was a part of the air disaster corruption and conspiracy to silence appellant; or--that federal judges were originally involved in the scheme in such a manner that the cooperation of the California judges was obtained. Thereafter, when petitioner sought relief in federal courts from the multiple federal causes of action, the federal judges had to deny petitioner <u>every single protection in law</u>, to protect the earlier misconduct that had reached the level of a major national

judicial scandal.

The tactics used in violation of important federal and constitutional protections included:

1. Reversing the legal definition of frivolous, and placing a frivolous label on major federal causes of action.

2. Dismissing an action under Rule 12, fraudulently holding that federal causes of action were not stated, when major federal causes of action were in fact stated.

3. Rendering Rule 56 summary judgment, despite the multiple controverted matters of fact, and the multiple federal causes of action.

4. Making sua sponte dismissals to void protections of federal and constitutional law, and avoid drawing attention to the worsening judicial scandal.

5. Ordering petitioner to pay heavy financial sanctions to those committing the violations and those involved in the corruption and conspiracy related to the air disaster scandal.

6. Rendering illegal injunctive orders, barring petitioner from exercising important federal and consti-

tutional remedies, while simultaneously protecting those committing the violations by the criminal misuse of the California and federal courts.

7. Sentencing petitioner to prison for filing federal actions reporting the specifics of the great air disaster, government, and judicial scandal.

8. Using the ongoing Ninth Circuit bankruptcy racketeering enterprises to seize petitioner's assets, his home, his business, and liquidating these, violating clear constitutional rights, violating statutory requirements for a noticed hearing, legally, recognized cause, supporting evidence. The Ninth Circuit used the federal judicial position as a racketeering enterprise, to silence the exposure of the tragedy-riddled government scandal.

9. Rendering unlawful injunetive orders barring petitioner from filing objections, appeals, oppositions, to the corrupt seizure of his assets. When these rights were exercised, federal judges sentenced petitioner to prison for objecting to these constitutional and judicial outrages.

SUMMARY

A national scandal implicating thousands of deaths, massive federal judicial corruption, undermining our form of government, and undermining the laws and constitution of the United States, is implicated by this one segment of the overall scandal.

The tramatic harms committed upon national interests are only part of the outrages. The harm inflicted upon a public spirited citizen by the judicial conspiracy shows the dangers of the present federal judiciary. But the most frightening part of the judicial misconduct is the repeated, deliberate sacrifice of little children and others, in air tragedies arising from a corrupt environment. These victims are no match for the judicial chicanery that reaches down into the gutter to inflict horror upon these persons who are no match for the judge-protect-judge corruption. As long as petitioner has any life, he intends to expose this great threat to our nation, and fight to prevent other children and victims from experiencing the same harms that these judicial games are inflicting upon them. Even when petitioner is gone, the record has been made, and

a pending publication, threatens to expose this great American tragedy for the threat that it is.

Petitioner may not be any match for this group of Kangarioo Court thugs. But he is the only one speaking out to protect those who are expendable in the eyes of the federal judiciary.

This Court has a responsibility. Its about time it exercised this responsibility, rather than protect the destruction of the United States of America.

Dated: September 10, 1989.

_____

RODNEY F. STICH
Petitioner in pro se

Filed
Jun 30, 4 26 PM' 86

In the United States District Court

For the Eastern District of California

In re: Marriage of	)	
	)	
Emma W. Stich,	)	
	)	Civil No. S-86-0715 MLS
Petitioner,	)	
	)	
and	)	
	)	
Rodney F. Stich,	)	
	)	
Respondent.	)	
	)	

ORDER

On June 17, 1986, Rodney Stich petitioner to remove Solano County Superior Court Case No. 83472 to this court. Specifically, Mr. Stich objects to that aspect of the state court action which resulted in a bench warrant for his arrest for contempt of court.

In support of his petition, Mr. Stich submitted an "Affidavit in Support of Motion for Removal," the state court contempt order and civil bench warrant, this court's notices in Civ. S-86-0004 MLS and Civ. S-986-0210 MLS, various other documents associated with the

contempt order, a 42 page declaration entitled "Declaration of Rodney F. Stich Relating to the Marriage Termination Action in the California Courts, the Massive Violations of Civil and Constitutional Rights to Which He Has Been Subjected, the Irreparable Harm He Suffers, and the Possible Source of the Violations," and various documents concerning a Mexican divorce decree, including the state court's order determining the decree's effect.

Title 28 U.S.C. § 1446, establishes the procedure for, and timetables governing, petitions to remove state court actions to federal court. Sections 1446(a) and (b) provide (b) provide that:

> (a) A defendant or defendants desiring to remove any civil action or criminal prosecution from a State court shall file in the district court of the United States for the district and division within which such action is pending a verified petition containing a short and plain statement of the facts which entitle him or them to removal together with a copy of all process, pleadings and orders served upon him or them in such action.
>
> (b) The petition for removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or with thirty days after

> the service of summons upon the defendant if such initial pleading has then been filed in court and is not required to be served on the defendant, whichever period is shorter.
>
> If the case stated by the initial pleading is not removable, a petition for removal may be filed within thrifty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may be ascertained that the case is one which is or has become removable.

Mr. Stich has not supplied the court with a copy of "all process, pleadings and orders served upon him" in the state court action.

Without such pleadings the court cannot satisfy itself that the state court action "arises under" the Constitution, laws and treaties of the United States" as required by 28 U.S.C. §§ 1331 and 1441, and that those laws are an essential element of Mrs. Stich's action. *See Phillips Petroleum Company v. Texaco, Inc.*, 415 U.S. 125, 127-28 (1974); *Hunter v. United Van Lines.*, 746 F.2d 635, 639 (9th Cir. 1984), *cert. denied*, 1065 S. Ct. 180 (1985). The court also cannot satisfy itself that the requirements for removal under 28 U.S.C. § 1443, the civil rights removal statute, met. Finally, the court cannot determine that this removal petition was

filed within 30 days of the receipt of Mrs. STich's pleading.[22]

Turning, finally, to the merits of the removal petition, the court notes that dissolution of marriage cases are suits based on state, not federal law. Thus, dissolution cases are not removable to federal court, even when the parties are of diverse citizenship. *Csibi v. Fustos*, 670 F.2d 134, 136-38 (9th Cir. 1982).

Removal under the civil rights removal statute, 28 U.S.C. § 1443, is also improper. The statute provides:

> Any of the following civil actions or criminal prosecutions, commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending:
>
> (1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons with the jurisdiction thereof;
>
> (2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law.

---

[22] The court notes that a "pleading" is a document filed by a party to a suit, not a document issued by a state court (which is not a "party" to a suit in the "legal" sense of the term).

In spite of its seemingly broad language, the right of removal under section 1443 has been very narrowly construed. *See City of Greenwood v. Peacock*, 384 U.S. 808 (1966); *Georgia v. Rachel*, 384 U.S. 780 (1966). According to *Johnson v. Mississippi*, 421 U.S. 213, 219 (1975),

> [f]irst, it must appear that the right allegedly denied the removal petitioner arises under a federal law 'providing for specific civil rights stated in terms of racial equality.' [citation] Claims that prosecution and conviction will violate rights under constitutional or statutory provisions of general applicability or under statutes not protecting against racial discrimination, will not suffice. ... Second, it must appear, in accordance with the provisions of § 1443(1), that the removal petitioner is 'denied or cannot enforce' the specified federal rights 'in the courts of [the] State.' This provision normally requires that the 'denial be manifest in a formal expression of state law,' [citation] such as a state legislative or constitutional provision, '"rather than a denial first made manifest in the trial of the case."' [citation]

See also People of the State of California v. Tolefree, 458 F.2d 494, 495 (9th Cir. 1972); *Nevin v. People of the State of California*, 413 F. Supp. 1039, 1041 (N.D. Cal. 176). Nothing in the materials that Mr. STich did submit to the court suggests that he has been discriminated against on the basis of his race.

Finally, Mr. Stich attempts to show that removal is proper under 28 U.S.C. § 1446. Section 1446 does not confer a general right of removal.

In light of the foregoing, IT IS ORDERED that:

1. Mr. Stich's petition for removal of Solano Superior Court Action No. 83472 is dismissed; and

2. The case is remanded to state court.

DATED: June 30, 1986.

Milton L. Schwartz
United States District Judge

Rodney F. Stich
P.O. Box 11455
Reno, NV 89510
Telephone (702) 826-1185
Petitioner in pro se

Filed
Jul 3, 10:18 a.m. '86

United States District Court

Eastern District of California

Rodney F. Stich,

Petitioner,

William Jensen, Judge; Solano County Superior Court, State of California.

Respondent.

Emma W. Stich,

Real Party in Interest

No. S-86-0715 MLS

Notice Of Appeal Of Order Dismissing Petition for Removal 28 U.S.C. § 1447(d)

To the Clerk of the above entitled court:

Notice is hereby given that petitioner RODNEY F. STICH appeals to the United States Court of Appeals, and hereby files a Notice of Appeal of the order filed on June 20, 1986, dismissing plaintiff's Petition For Removal. Authority for this removal is included, inter alia, in 28 U.S.C. section 1447 (d).

Dated: July 2, 1986.

Rodney F. Stich
Petitioner in pro se

Appendix "B"

Not For Publication
United States Court of Appeals
For the Ninth Circuit

Filed
Aug 9, 1989

Rodney F. Stich,	)	
	)	No. 86-2261
Plaintiff-Appellant,	)	D.C. No. CV-S-86-715-MLS
	)	
William Jensen, Judge; Solano County Superior Court, State of California	)	Memorandum
	)	
Defendants-Appellees.	)	

Appeal from the United States District Court
for the Eastern District of California
Milton L. Schwartz, District Judge, Presiding

Submitted July 25, 1989**

Before: Pregerson, O'Scannlain, and Trott, Circuit Judges

Rodney Stich appeals pro se the district court's dismissal of his petition to remove his California state domestic relations-based action to federal court. STich contends that the district court erred in determining that removal was not proper in this case and in remanding to state court.

The judgment appealed from is affirmed. Because Stich did not supply the district court with a copy of "all process, pleadings and orders served upon him," as required by 28 U.S.C. § 1446, the district court prop-

erly remanded his action to state court. *See Hunter v. Van Lines*, 746 F.2d 635, 639 (9th Cir. 1984); *Cook v. Robinson*, 612 F.Supp. 187, 190 (D.C. Va. 1985). Moreover, a defendant to a state court civil action may not remove a case to federal court pursuant to 28 U.S.C. § 1441 (1973) when that removal is based solely on a federal defense reply. *Hunter*, 746 F.2d at 639. Removal is proper only if a right created by the United States Constitution, laws or statutes is an essential element of the plaintiff's cause of action, appearing on the face of plaintiff's complaint. *Ethridge v. Harbor House Restaurant*, 861 F.2d 1389, 1392-93 (9th Cir. 1988). Because Stich's state action primarily involves state domestic relations matters, it is not removable to federal court. *See Csibi v. Fustos*

, 670 F.2d 134, 136-38 (9th Cir. 1982). Finally, Stich alleged none of the elements of removal required by 28 U.S.C. § 1443. *See California v. Sandoval*, 434 F.2d 635, 636 (9th Cir.)(per curiam), *cert. denied*, 402 U.S. 909 (1971);.

AFFIRMED

Superior Court of California
County of Solano

Filed Jul 28, 1988

Judgment of Dissolution 83472

This proceeding was heard
as follows: x default or uncontested.
Date: 7-28-88 Room 301
Judge: Dennis Bunting
The court acquired jurisdiction of the respondent on 12-9-82.
Respondent was served with process. x
Respondent appeared. x
The court orders, good cause appearing:
x. Judgment of dissolution be entered. Marital status is terminated and the parties are restored to the status of unmarried persons on the following date: (specify):
x. Jurisdiction is reserved over all other issues and all present orders remain in effect except as provided below.
x. See attached;

STICH V. STICH-Case No. 83472

Attachment to Judgment

This matter came regularly before the court for default hearing and on Petitioner's Motion to Bifurcate. Having read and considered Petitioner's Memorandum of Point and Authorities; the Declaration of Emma W. STich, and Jeffrey S. Ross and Diane Bean; and the other evidence presented to the court in the moving papers and at the hearing, THE COURT FINDS:

1. The default of Respondent Rodney Stich has

been duly entered in this matter;

2. The marriage of Emma W. Stich and Rodney Stich has irretrievably broken down and there is no prospect for reconciliation;

3. Petitioner has an interest in all properties currently held in the name of Rodney Stich or his shell corporation, Western Diablo, Inc., in that the properties were either purchased prior to separation of the parties or with money obtained from such properties;

4. The order of the bankruptcy court prohibits this court from fully adjudicating the issues in this matter, but does allow this Court to characterize property, award support, and determine the status of the parties'

5. The amount of the current temporary spousal support order to Petitioner, $1,000 per month, is not fair and adequate under the circumstances.

Whereupon good cause having been shown, the court orders:

1. That this matter be bifurcated with the issues of (a) the status of the marriage of the parties, (b) the characterization of property and (c) support be deter-

mined at this time, and jurisdiction reserved over all other issues, including the actual division of property and attorneys' fees;

2. That the marriage of Respondent and Petitioner is dissolved;

3. Petitioner and Respondent each have a one-half community interest in all properties currently held in the name of either Respondent or Western Diablo, Inc., including but not limited to the properties listed in Exhibit "A" to this Judgment;

4. That respondent shall pay Petitioner permanent spousal support in the amount of two thousand five hundred dollars ($2,500) per month.

Dated: 7-28-88

Dennis Bunting

Judge of the Superior Court

Declaration of Service By Mail

I, Stephanie Stadtler, declare I am over the age of 18 years, and not a party to this action. My place of residence is 43 Diablo Creek Place, Danville, California.

On September 20, 1989, I served a copy of this jurisdictional statement in an envelope addressed to each of the persons named below, at the address stated, and deposited the envelope in the United States mail at Alamo, California, with first class postage fully prepaid.

U.S. Court of Appeals
P.O. Box 547
San Francisco, CA 94101

U.S. District Court,
Federal Bldg, Sacramento, CA 95814

Friedman, Sloan and Ross
1040 Alcoa Bldg, One Maritime Plaza
San Francisco, CA 94104

I declare under penalty of perjury that the foregoing is true and correct.

Stephanie Stadtler